



BOROUGH OF EAST RUTHERFORD ZONING BOARD OF ADJUSTMENT MEETING MINUTES MAY 3, 2018

A meeting of the East Rutherford Zoning Board of Adjustment was held on **May 3, 2018** at 7:00pm at the Borough Hall, located at 1 Everett Place, East Rutherford. This meeting was held in compliance with the Open Public Meeting Act, N.J.S.A. 10:4-6.

ROLL CALL

- | | |
|---|--|
| <input type="checkbox"/> Philip Alberta, Chairman | <input checked="" type="checkbox"/> John Giancaspro, Secretary |
| <input checked="" type="checkbox"/> Carmen Polifronio | <input checked="" type="checkbox"/> Richard Cedzidlo, Attorney |
| <input checked="" type="checkbox"/> Al Levy | <input checked="" type="checkbox"/> Glenn Beckmeyer, Engineer |
| <input checked="" type="checkbox"/> John Martin | <input checked="" type="checkbox"/> Ray Tripodi, Planner |
| <input checked="" type="checkbox"/> Richard Krajunus, Vice-Chairman | |
| <input checked="" type="checkbox"/> Gary Viccaro | |
| <input checked="" type="checkbox"/> Thomas Banca | |
| <input checked="" type="checkbox"/> Derek Sands, Alternate Member | |

Denotes in Attendance

The meeting was called to order by Vice-Chairman Krajunus, followed by the Pledge of Allegiance.

APPROVAL OF PREVIOUS MEETING MINUTES						
MEMBER	MOVED BY	SECOND	AYE	NO	ABSTAIN	NOT PRESENT
Alberta						X
Polifronio	X		X			
Levy					X	
Martin			X			
Krajunus			X			
Viccaro			X			
Banca			X			
Sands					X	

RESOLUTIONS

APPLICATIONS

DOCKET #18-002

Completeness Review / Application for Preliminary and Final Site Plan Review with Variances and Waivers

East Rutherford Builders LLC
480-484 Paterson Avenue
Block 28 Lot 1

Applicant seeks to construct a 36-unit multi-family apartment building.

Mr. Cedzidlo reported that the Special Monitor has requested that the application be heard at a Special Meeting on May 30th at 7:30pm. The hearing will be preceded by a work session at 7:00pm. Mr. Polifronio moved to schedule the meeting for May 30th with no further notice required for the application. Mr. Viccaro seconded the motion and all were in favor.

DOCKET #18-003

Completeness Review

Yunny Feroz
367 Central Avenue
Block 42, Lot 18

Applicant seeks to convert a two-family home to a three family home.

The Board received a letter from the Applicant requesting that the application be bifurcated allowing the use variance to be heard before site plan review. Mr. Beckmeyer reported the Applicant provided enough information to hear the use variance. The Board agreed to allow the Secretary to schedule the application for hearing.

DOCKET #18-004

Completeness Review

Public Service Electric & Gas
233 Summer Street
Block 74, Lot 2 & 3

Applicant seeks to upgrade and expand the existing Van Winkle Substation to further advance the public utility system.

Mr. Beckmeyer reported that the application was complete and could be scheduled for hearing.

DOCKET #18-005

Completeness Review

61-63 Central Ave LLC
82 Herman Street
Block 43, Lot 20

Applicant seeks to eliminate an existing commercial space and to renovate an existing apartment unit and add three (3) additional apartment units for a total of four (4) apartment units.

Mr. Beckmeyer reported that the application remains incomplete.

DOCKET #18-001

Application for Use Variance

Robert Sumanis / Janson Associates

136 Mozart Street

Block 48, Lot 12

Applicant seeks to convert an existing two-family dwelling into a commercial office space.

The following exhibits were introduced in connection with this application:

- Exhibit A-1. Title Sheet
- Exhibit A-2. Existing Conditions / Proposed Site Layout & Grading / Contourgs
- Exhibit A-3. Lighting and Landscaping Plan
- Exhibit A-4. Soil Erosion and Sediment Control Plan
- Exhibit A-5. Construction Notes and Details / Conforming Parking Plan
- Exhibit A-6. Site Layout Plan dated 4/30/18
- Exhibit A-7. Zoning Map
- Exhibit A-8. Grading and Utility Plan
- Exhibit A-9. Lighting and Landscaping Plan
- Exhibit A-10. Soil Erosion and Sediment Control Plan
- Exhibit A-11. Soil Mitigation Plan
- Exhibit A-12. Site Detail Sheet
- Exhibit A-13. Additional Site Detail Sheet
- Exhibit A-14. Application Review Letter of Beckmeyer Engineering
- Exhibit A-15. Completeness Review Letter of Beckmeyer Engineering

Mr. David Ripetto, Attorney for the Applicant, came forward to introduce the application. Mr. Ripetto clarified that since original submission, ownership had changed and the Owner and Applicant are both Souverian, LLC.

Mr. Thomas Graham, a licensed professional engineer from Lake Hopatcong came forward to provide testimony regarding the application.

Mr. Graham introduced Exhibit A-1 as the Title Sheet which included basic information related to the site.

Mr. Graham explained Exhibit A-2 depicting existing and proposed conditions, noting that the Applicant would be removing an existing retaining wall and creating a 20' x 40' parking area. He noted that the neighbor of the property had issues with the pine tree on the site, and those concerns would be addressed by removing the tree.

Mr. Graham introduced Exhibit A-3, the Lighting and Landscaping plan noting that there would be one building mounted light that would be turned off by 7pm each night. He also described a shrub row along the right side and rear of the property to create screening. Mr. Graham noted that there would be no light spillage and he would provide Mr. Beckmeyer with the requested calculations.

Mr. Graham noted that Exhibit A-4 was a typical Soil Erosion and Sediment Control Plan.

Mr. Graham explained that Exhibit A-5 was for informational purposes only, depicting what the site would look like if it was in complete compliance with the Borough's parking requirements of seven parking spaces. He noted that only four spaces are proposed.

Mr. Graham explained Exhibit A-6, the Site Layout Plan dated 4/30/18, showing existing conditions with the proposed parking area, along with plantings and a rear lawn. He noted there would be no storage in the rear and it would remain a grass area. He further stated that the building would not be substantially changed in terms of architecture, and improvements would be primarily interior.

Mr. Graham addressed the review letter of Beckmeyer Engineering, stating that there would be no new stormwater management facilities and there would be a de minimis impact from the site. He noted he would provide Mr. Beckmeyer calculations as requested.

Mr. Graham provided additional testimony regarding the parking area, noting that it was for employees only and an ADA parking space could be provided. He also explained that there would be no interaction between the Applicant's current operating site and this site, and the intention of the application site was for office use only.

Mr. Robert Sumanis, President of Jansons and Associates came forward to provide testimony regarding the application. Mr. Sumanis explained that Jansons and Associates is a family owned business and he has been the President for 20 years. He explained that the purpose of occupying the application site is for office use only and there would be no deliveries or storage of materials at the site.

Mr. Beckmeyer requested an analysis of the impact created by the parking area pavement and the calculation of increased flow. He also noted that a waiver would be required for stacked parking. Mr. Ripetto stipulated to amend the application for the waiver, and the calculation of flow would be provided.

Mr. Viccaro asked if any manufacturing was done on site, to which Mr. Sumanis responded that materials were received at the existing location and then distributed to locations as needed.

Mr. Graham provided additional information related to the proposed parking, detailing that there would be four parking spaces in 10' x 20' spaces. Mr. Sumanis noted that there would be no additional employees.

Mr. Krajunus asked how many existing employees would move from the current site to the new site. Mr. Sumanis responded that of the 10-11 employees currently on site, 5 would occupy the new space. Mr. Krajunus followed up inquiring as to the current parking situation, which Mr. Sumanis explained that some employees walk or use the nearby train, or park on site or wherever parking is available on Railroad Avenue and Mozart Street.

Mr. David Troast of Hawthorne, New Jersey was accepted as a licensed Professional Planner and Landscape Architect. Mr. Troast came forward to provide testimony related to the application.

Mr. Troast explained Exhibit A-7 which depicted the following information / photos to explain the existing conditions of the site and surrounding area:

1. Zoning Map
2. Picture of current operations and proposed office building, highlighting the vinyl fencing and plantings which would remain
3. Proposed building and parking lot
4. View from the sidewalk into the property and backyard, which would remain
5. Photos of the rear yard, which would remain
6. View north from the corner of Mozart Street and Railroad Avenue
7. View to the east
8. Residential property to the side of the Application property
9. View to the northeast
10. Neighborhood large residential home

Mr. Troast testified that the application would support a light industrial use in a primarily residential neighborhood. He noted that the application site is suitable for a large two-family home, but the Applicant was seeking a D1 use variance, along with bulk variances and design waivers, in order to renovate and restore the existing building and provide a supplemental space to a long-standing East Rutherford business. He stated that he felt a two-family home would have a greater impact on the neighborhood. He highlighted that the use of the existing building on the site would be consistent with a business look, as well as the surrounding residential.

Mr. Troast testified that the application was consistent with the Master Plan as the application addressed the appearance of the building and was making an existing non-conforming space more functional by providing an office use. He noted that in his field visits he found illicit materials on the site and felt that the application would deter future public nuisance activities from taking place on site.

Mr. Troast reviewed applicable case law and noted that the site provides a buffer between the existing use and residential properties, and provides support to a long standing business and meets the owner's business objective of creating a better and more effective work environment.

Mr. Troast continued that the application would update and re-use the existing structure on the application site and was a better use of the property rather than the alternative of a large residential site.

Mr. Troast explained that relief was needed in terms of the use, the number of parking spaces, and front yard setback which is a condition created by the existing conditions. He stated his opinion that the application preserved the quality of the neighborhood and provided a transitional use that satisfies the objective of the Master Plan.

Mr. Troast provided testimony related to the C2 Variance stating that the site was appropriate as a transitional use and preserved the character of the building and the neighborhood, promoting good civic design and reducing the parking burden on the public street. He stated that the positive aspects outweigh any negative impacts because it advances the purpose of planning and zoning.

Mr. Krajunas asked if there were any exterior changes. Mr. Sumanis stated that he planned to clean and paint the mismatched brick façade, replace windows, and remove the broken awning.

Mr. Viccaro asked if there would be any signage on the site, to which Mr. Sumanis stated there would not.

Mr. Ripetto stated that the Applicant had met with the property's neighbors and discussed their concerns. As a result of that conversation, Mr. Ripetto explained that the Applicant is willing to stipulate that if the current business leaves the site, along with any sale, lease, etc of the property or business, the application property will revert back to residential use. He also noted that the Applicant would stipulate that the rear of the property will be kept as grass and there would be no parking, business use, or storage of any materials.

Mr. Polifronio asked why additional parking was not created, given the amount of property available. Mr. Ripetto responded that the Applicant wanted to preserve as much as the green space as possible and additional parking was not needed based on the number of employees.

Mr. Banca asked if the roof drains go into the ground. Mr. Sumanis responded they do not because of the condition of the gutters.

Mr. Beckmeyer stated that the proposed curbing should not be sweeps and should be updated.

Mr. Banca raised concern over backing out of the proposed parking spaces. Mr. Beckmeyer agreed and felt that it may be more feasible to back into the spaces and exit head first. Mr. Sumanis agreed that could be accomplished.

Mr. Polifronio moved to open the meeting to the Public. Mr. Banca seconded the motion and all were in favor.

Mr. Craig Villanova of 146 Mozart Street came forward to comment on the application. Mr. Villanova explained that his first reaction towards the application was not positive, but explained

that the business has been a good neighbor and felt the use would be better than a large residential home. He expressed his concern that if Jansons were to leave the site, it would be occupied by a different commercial use, but was satisfied with the stipulation that the property would revert back to residential use.

Mr. Levy moved to close the meeting to the Public. Mr. Viccaro seconded the motion and all were in favor.

Mr. Polifronio moved to grant the application with variances for Use, Front Yard Setback, and number of parking spaces, along with design waivers for No Loading Space, Stacked Parking, Parking in Front Yard, No Screening in Front Yard, Distance to Lot, and No Refuse Area. Mr. Ripetto noted for the record that refuse would be kept on the existing Janson property. The motion was seconded by Mr. Banca.

APPROVAL OF PREVIOUS MEETING MINUTES						
MEMBER	MOVED BY	SECOND	AYE	NO	ABSTAIN	NOT PRESENT
Alberta						X
Polifronio	X		X			
Levy			X			
Martin			X			
Krajunus			X			
Viccaro			X			
Banca	X		X			
Sands			X			

With no further business before the Board, Mr. Banca moved to adjourn the meeting. Mr. Polifronio seconded the motion and all were in favor.

Minutes prepared by:

John Giancaspro
Secretary